

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN ALLEN DAVEY,

Plaintiff,

v.

PIERCE COUNTY COUNCIL, et al.,

Defendant.

Case No. C21-05068-JCC-SKV

ORDER GRANTING PLAINTIFF'S
REQUEST TO CONSIDER LATE
RESPONSE TO MOTION TO
DISMISS

This is a 42 U.S.C. § 1983 prisoner civil rights action. Plaintiff has filed a document entitled "motion to consider" in which he asks the Court to consider his untimely response to Defendants' motions to dismiss. Dkt. 40. Plaintiff indicates that although he had requested priority access at the law library in order to timely file his response to Defendants' motions to dismiss, he was not given priority access and was not put on call out for the law library until the day after his response was due. *Id.* He indicates he filed his response at his first opportunity and asks the Court to excuse the one-day delay in filing his response and to consider that response in considering Defendants' motions to dismiss. *Id.* Defendants indicate they do not oppose Plaintiff's request. *Id.*

1 Accordingly, Plaintiff's motion, Dkt. 40, is GRANTED and the Court will consider his
2 response, Dkt. 39, in considering Defendants' motions to dismiss.¹

3 The Clerk is directed to send copies of this order to the parties and to the Honorable John
4 C. Coughenour.

5 Dated this 15th day of November, 2021.

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9 S. KATE VAUGHAN
United States Magistrate Judge

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¹ The Court notes that it has also directed additional briefing with respect to Defendants' motions to dismiss. *See* Dkt. 44.